



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

December 3, 2021

TRANSMITTED VIA E-MAIL

John E. Balliew
President & CEO
Public Service Board
El Paso Water Utilities
1154 Hawkins Boulevard
El Paso, Texas 79925
jballiew@epwater.org

RE: Clean Water Act, Section 308 Information Request
Untreated wastewater discharges

Dear Mr. Balliew:

Pursuant to Section 308 of the Clean Water Act (CWA), 33 U.S.C. Section 1318 et seq., the United States Environmental Protection Agency (EPA) has the authority to request information pertinent to carrying out its responsibilities under the CWA. Accordingly, this Information Request is hereby served on El Paso Water Utilities, and its governing Public Service Board (PSB), which is a public utility providing water and wastewater services to the City of El Paso, Texas.

Compliance with the provisions of this letter is mandatory. Please provide the information requested below and copies of the requested documents within 20 days of receipt of this letter. The response must be signed by a duly authorized official of El Paso Water Utilities Public Service Board (hereinafter referred to as "El Paso Water Utilities"). The information will be considered in the evaluation of the extent of your compliance with the federal regulations regarding unauthorized discharges of untreated wastewater from the sewer collection system owned or operated by El Paso Water Utilities.

Failure to respond fully and truthfully to this Information Request, or to adequately justify such failure to respond, will be considered a violation of Section 309 of the CWA, as amended by the Water Quality Act of 1987, which can result in enforcement action by the EPA. Section 309 of the CWA permits the EPA to seek the imposition of civil and criminal penalties for failure to submit information requested under Section 308 of the CWA, including issuance of an Administrative Penalty Order or referral to the United States Department of Justice for judicial action with monetary fines. Please be further advised that providing false, misleading, or fraudulent statements or representations, may subject you to criminal penalties under Section 309 of the CWA.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act, of 1980, as amended, 44 U.S.C. Section 3501, et. seq., as described in 5 CFR Part 1320.3(c).

You are hereby requested to provide the following information regarding each unauthorized discharge of wastewater from the El Paso Water Utilities' sewer collection system that have occurred from August 13, 2021 to the present and provide the following information regarding each unauthorized wastewater discharge including discharges from the Frontera Force Main.

- a. For each unauthorized discharge, specify the location where an unauthorized discharge occurred from the sewer collection system, including longitude and latitude; describe the flow path of the discharge specifying length of flow path and where flow path goes to; specify volume of wastewater discharged, including the method used in determining quantity; specify the duration of the discharge and if discharge is ongoing; specify the cause of the unauthorized discharge; identify the sewer collection system asset (such as force main or gravity sewer line, lift station, manhole, etc.) associated with the unauthorized discharge; describe the area(s) affected by the unauthorized discharge.
- b. Describe all mitigation activities undertaken by El Paso Water Utilities to address each unauthorized discharge specifying activities that have been implemented, are being implemented, and will be implemented. Provide copies of any written mitigation plan(s) regarding the unauthorized discharges. Describe activities regarding clean-up of affected homes and business, parks, stormwater ponds, and other areas of potential human activity including controls put in place to prevent further migration of release into homes and businesses.
- c. Regarding efforts to redirect the flow of discharged wastewater, describe each location where the flow was redirected, specifying where the flow was redirected to; specify the length of the redirected flow, specify the reason and purpose for redirecting the flow; specify when the El Paso Water Utilities began to redirect the flow and the period of time the flow was redirected, including whether the flow is currently being redirected; specify the quantify of flow that was redirected per day; specify the quantity of wastewater that was redirected to a treatment plant.
- d. Specify the location(s) where unauthorized wastewater entered the Rio Grande: specify the dates the wastewater entered the Rio Grande, including whether the discharges are ongoing; specify the volume of wastewater entering the Rio Grande per location and per day; specify volume of wastewater that is removed from the Rio Grande and transmitted to a treatment plant; specify volume of wastewater that flows to into the Rion Grande and was not removed for treatment.
- e. Provide a site map identifying each location of an unauthorized discharge, identifying the flow path of the wastewater discharge from beginning to end point, identifying locations where wastewater flow was redirected and the resulting flow path; identifying the sewer collection assets (lift station, force main segment, gravity line segment, manhole, etc.) associated with the unauthorized discharge.
- f. Provide photographs/videos of the unauthorized discharges before and after mitigation activities.
- g. Water Quality Information: Provide water quality information (field reading(s) and/or laboratory analysis), including locations, dates, times, and sampler names for each reading taken from August 13, 2021 to the present regarding the unauthorized discharges . Include a copy of the Sampling Analysis Plan (SAP) and any amendments.

h. Engineering information:

- i. Provide a schematic of the collection system (force mains, gravity lines, manholes, etc.) associated with the unauthorized discharge, including details of the delineation of the transition sizes (such as transition from a 30-inch to 36-inch to 42-inch diameter pipe),
 - ii. Confirm (describe) the placement of “thrust blocks” along the new alignment of the Frontera Lift Station collection lines, and
 - iii. Confirm (describe) the termination and closure of the two (2) existing collection lines (at Doniphan Park) that were observed to be slinged in the shoring box during a site visit by EPA on November 9-10, 2021
- i. Specify whether environmental damage assessments have been done regarding the unauthorized discharges. Provide copies of any environmental damage assessments or reports. Provide a site map identifying all public water supply (PWS) intakes and private drinking water wells that may be impacted by the unauthorized discharges.
- j. Public announcements. Provide copies of all public announcements made regarding the unauthorized discharges, including unwritten announcements (radio, TV, door-to-door, etc.), including languages used.
- k. Provide copies of correspondence regarding the unauthorized discharged to US Fish and Wildlife Service (FWS), Texas Parks and Wildlife, the International Boundary Water Commission (IBWC), and the US Army Corps of Engineers.
- l. Provide inspection and assessment reports regarding the unauthorized discharge that occurred in March 2020 involving the Frontera Force Main. Provide copies of the replacement plan that was designed to address deficiencies of the Frontera Force Main.
- m. Describe inspection and assessment activities regarding the El Paso Water Utilities force mains. Specify when the other force mains were last inspected and assessed in addition to the Frontera Force Main.
- n. Provide a copy the El Paso Water Utilities’ capacity, management, operations, and maintenance (CMOM) plan. If El Paso Water Utilities’ does not have a CMOM plan, provide a copy of the operation and maintenance plan that is being implemented regarding the sewer collection system.
- o. Additionally, provide copies of all “Noncompliance Notification” required by the TPDES permit for unauthorized discharges from March 1, 2020 to the present.

At this time, the EPA is requesting the information requested be submitted electronically. Please email your response to matthews.rachel@epa.gov. If you are unable to submit the information electronically, please mail it to the following address:

Ms. Rachel Matthews
Water Enforcement Branch (ECDWM)
U. S. EPA Region 6
1201 Elm Street, Suite 500
Dallas, TX 75270-2102

The EPA acknowledges the COVID-19 pandemic may impact your business. If this is the case, please contact us as soon as possible regarding any specific issues you need to discuss. If you need additional time to respond to this request, or if you have any questions relating to this Information Request, please contact Ms. Rachel Matthews at 214-665-8589.

Sincerely,

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

e.c. Mr. Alan Shubert
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